

PERSONNELPersonnel RecordsA. Purpose

Procedures must be established to govern the content of and access to Department of Human Resources files and building files pertaining to school employees, and responses to requests with regard to access to and release and removal of information from the files.

B. Department of Human Resources File

1. Departmental Responsibility

An official personnel file shall be maintained for each employee by the Department of Human Resources. Decisions regarding these files shall be made by the Director of Human Resources, or designee, in keeping with the provisions of this regulation. Personnel files shall not be removed from the School Board Office Complex.

2. Maintenance and Content of Personnel File

a. File Contents-Active Employees

Before an employee begins work, the employee must complete all pre-employment paperwork, including state and federal tax forms, retirement forms, alien papers, compensation form, employee data sheet, and other appropriate forms.

The file of an active employee may include, but is not limited to, such things as the following data:

1. original application for employment
2. pre-employment information
3. licensure information
4. evaluations
5. correspondence to and from employees regarding any personnel action
6. contract information
7. required medical information
8. correspondence submitted by program managers and other evaluators which has been given to the employee
9. rebuttal data submitted by the employee
10. documentation specifying power of attorney and authorization for release of information

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Except for required documents and rebuttal documents submitted by the employee, only material provided by the employee's supervisor and material deemed appropriate by the Director of Human Resources shall be added to the personnel file. The employee shall receive a copy of any material placed in this file and shall have the right to submit a written rebuttal for inclusion in the file.

Employees may request copies of documents contained in their personnel files except those collected as pre-employment information. Employees may be charged for the reproduction of these documents.

b. File Contents-Terminated Employees

The file of an employee who is terminated from the system shall be kept in paper form in a designated inactive status. During July of the fifth year following the employee's termination, the file shall be purged for permanent storage. Those items which may be stored permanently are as follows:

1. data relating to termination actions
2. document specifying power of attorney
3. release of information form
4. evaluation forms and attachments (last three)
5. employment history card
6. any other data which the Department of Human Resources deems relevant to the person's employment history.

3. Access to the Personnel File**a. By the Employee**

With reasonable notice, an employee may, with a Department of Human Resources representative present, review the contents of his or her personnel file, excluding confidential materials received in connection with the employee's application for a position. An employee shall be entitled to choose another person to be present also during a review. In addition, the employee

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may authorize the review of his or her file by another person through a power of attorney document. At no time shall an employee or employee representative remove any materials from a file.

b. By Designated Persons

Access to a personnel file by persons other than the employee is restricted to persons authorized by the Director of Human Resources. Such access is granted on a "need to know" basis, and those designated may include employees of the Department of Human Resources, the employee's immediate supervisor or program manager, individuals cited in B.4.c., and other persons who, in the judgment of the Superintendent or Director of Human Resources, demonstrate a need to review the file.

4. Release of Information from Personnel File for Present and Past Employees

a. In response to telephone or written requests without signed authorization of the employee, the Department of Human Resources shall verify only the following information:

1. job title
2. salary or rate of pay records of the allowances or reimbursements for expenses of employees whose annual rate of pay is more than \$10,000

b. With signed authorization from the employee, the Department of Human Resources may release the data listed below. The signed authorization becomes part of the employee's permanent personnel file.

1. date of hire
2. Social Security number
3. job title
4. address
5. rates of pay
6. information on job performance
7. job chronology
8. reason for termination

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c. Inquiries by Federal, State, and Local Officials

The school system shall cooperate to the extent required by federal and state law, with federal, state, and local government agencies provided that the investigators furnish proper identification and proof of legal authority to investigate.

Inquiries of this kind shall be referred to the Director of Human Resources, or designee, for release of information.

5. Challenge to Documents in File

An employee may write to the Director of Human Resources identifying documents in the file which the employee believes to be obsolete, unfair, or otherwise inappropriate for retention. The Director of Human Resources or designee shall review such a request and, if in concurrence, may remove and destroy those documents. If the documents are not removed from the file, the employee may place a statement in the file to serve as a rebuttal to the documents in question.

After three continuous years of satisfactory service, challenged documents will be removed from the employee's personnel file in July following the third year, unless federal or state laws or court rulings require that records, in individual cases, be kept for a longer period.

C. Building File

A principal or work site administrator may maintain a building file relative to an employee. This file may be accessed and documents challenged in the same manner as specified for the official personnel file, except that appropriate building personnel shall serve in lieu of Department of Human Resources staff members. When an employee is moved to another work site, the contents of this building file shall be forwarded to the receiving work site administrator. For terminated employees, this building file shall be kept at the last work site and then destroyed by shredding five years following termination of employment from the school system.

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Legal Reference: Through June 30, 1997

Code of Va., §2.1-341. Definitions. (1996)

Code of Va., §2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges, exceptions to application of chapter.—

"C. Neither any provision of this chapter nor any provision of Chapter 26 (Section 2.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision 3 of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer, official or employee at any level of state, local or regional government in the Commonwealth or to the compensation or benefits paid by any corporation organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their officers or employees. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less." (1996)

See also Attorney General's Opinion 12 July 1974.—
"...The provisions of the foregoing statute (§2.1-342) clearly indicate the intent of the General Assembly to insure that all personnel records pertaining to a particular employee of a public body, whatever their nature, be available to that employee for review and copying..."

Approved by Division Superintendent: June 9, 1992

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Revised by Division Superintendent: August 26, 1997